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9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,) No. CR 08-00153 DLJ
12)
13 Plaintiff,) STIPULATION FOR
14 v.) CONTINUANCE AND EXCLUSION
15) OF TIME UNDER THE SPEEDY
16 JOSE LUIS OCHOA-GUTIERREZ,) TRIAL ACT, 18 U.S.C. § 3161 ET
17) SEQ.
Defendant.)

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19 IT IS HEREBY STIPULATED, by and between the parties to this action, that the STATUS
20 CONFERENCE currently scheduled for April 18, 2008, at 9:00 a.m. before the Honorable D.
21 Lowell Jensen, be continued to May 16, 2008 at 9:00 a.m.
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23 The requested continuance is sought under the Speedy Trial Act, 18 U.S.C. §§
24 3161(H)(1)(F),(8)(A) and (B)(iv). The current status is that Mr. Ochoa-Gutierrez is charged with a
25 violation of 8 U.S.C. §1326. Mr. Ochoa-Gutierrez was previously convicted of violating 8 U.S.C.
26 § 1326 in Arizona. Counsel for the defense is attempting to obtain records from that conviction

1 because they may be relevant to a disposition of this matter. In addition, undersigned counsel for
2 the defense has been newly assigned to the case. The continuance would allow counsel for the
3 defense to obtain records, now located out of state, which are necessary to the defense, and would
4 allow time for the parties to discuss a possible negotiated disposition. The failure to grant such a
5 continuance would unreasonably deny counsel for the defendant the reasonable time necessary for
6 effective preparation, taking into account the exercise of due diligence.
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8 The parties further stipulate that the time from April 18, 2008, to May 16, 2008, should be
9 excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(8)(A) and
10 (B)(iv) for adequate preparation of counsel.
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12
13 DATED: April 14, 2008

/S/

14 _____
WADE RHYNE
Assistant United States Attorney

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16 DATED: April 14, 2008

/S/

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COLLEEN MARTIN
Assistant Federal Public Defender
Counsel for Jose Luis Ochoa-Gutierrez

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20 I hereby attest that I have on file all holograph signatures for any signatures indicated by a
21 “conformed” signature (/S/) within this e-filed document.
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23 ORDER

24 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the status conference date in
25 this case, currently scheduled for Friday, April 18, 2008, at 9:00 a.m. may be continued to Friday,
26 May 16, 2008, at 9:00 a.m. for status.

1 IT IS FURTHER ORDERED that the time from April 18, 2008 to May 16, 2008, should be
2 excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(8)(A) and
3 (B)(iv) for adequate preparation of counsel so that defense counsel can investigate this case,
4 including obtain records from out-of-state, and so that the parties can attempt to reach a settlement in
5 this case. The Court finds that the ends of justice served by the granting of the continuance outweigh
6 the best interests of the public and the defendant in a speedy and public trial and the failure to grant
7 the requested continuance would unreasonably deny counsel the reasonable time necessary for
8 effective preparation, taking into account due diligence.
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10 SO ORDERED.

11 DATED:

12 HONORABLE D. LOWELL JENSEN
13 United States District Judge
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